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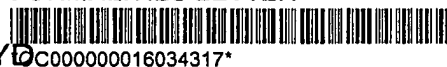
APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/669,264	09/25/2003	Sen-Itiroh Hakomori	2502486-991103

CONFIRMATION NO. 3225

35928
 DLA PIPER RUDNICK GRAY CARY US, LLP
 1625 MASSACHUSETTS AVENUE, NW
 SUITE 300
 WASHINGTON, DC 20036-2247

FORMALITIES LETTER

RECEIVED
BELL, BOYD & LLOYD
 INTELLECTUAL PROPERTY DOCKET



JUN 29 2005

ATTY DHN

Date Mailed: 05/16/2005

Del: 7-16-05

NOTICE TO FILE MISSING PARTS OF ~~NONPROVISIONAL~~ APPLICATION

FILED UNDER 37 CFR 1.53(b)

116653-017

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The oath or declaration does not identify each inventor by full name, including the family name and at least one given name without abbreviation.
- A request to transfer the computer readable form from another application on file at the U.S. Patent and Trademark Office has been submitted as permitted by 37 CFR 1.821(e). However, the request cannot be complied with since there is no compliant CRF present at the United States Patent and Trademark Office. Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

To Download Patentin Software, visit <http://www.uspto.gov/web/patents/software.htm>

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

The following item(s) appear to have been omitted from the application:

- Figure(s) **11B** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$400.00 petition fee (37 CFR 1.17(f))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$400.00 petition fee (37 CFR 1.17(f)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(f)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

f. Stephan

Office of Initial Patent Examination (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

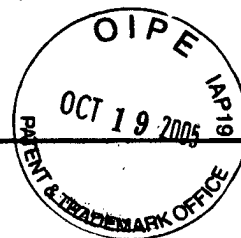
**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.
116653-017

In Re Application Of: **Hakomori et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/669,264	25 September 2003	Unassigned	29180	1646	3225

Invention: **VACCINES DIRECTED TO CANCER-ASSOCIATED CARBOHYDRATE ANTIGENS**



Mail Stop Missing Parts

COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
16 May 2005
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☒ A properly signed oath or declaration in compliance with 37 CFR 1.63.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☐ _____ verified small entity declaration(s)
 - ☐ is/are attached.
 - ☐ was/were filed on _____
- ☐ A separate request for refund.

☒ Other (list):

Response to Notice to File Missing Parts of Nonprovisional Application;
Copy of Utility Patent Application Transmittal; Copy of Figures 1-13;
Computer Readable Form of Sequence Listing; Sequence Listing Certification;
Return Receipt Postcard

10/20/2005 YPOLITE1 00000040 10669264

01 FC:2253

510.00 0P

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.
116653-017

In Re Application Of:

Hakomori et al.

Application No.

10/669,264

Filing Date

25 September 2003

Examiner

Unassigned

Customer No.

29180

Group Art Unit

1646

Confirmation No.

3225

Invention: **VACCINES DIRECTED TO CANCER-ASSOCIATED CARBOHYDRATE ANTIGENS**

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

☒ Completion of application fees as calculated below:

☐ Utility application basic fee☐ Design application basic fee☐ Search Fee

\$0.00

☐ Examination Fee

\$0.00

☐ Total number of independent claims =

☐ Total number of claims =

☐ Multiple dependent claims

☐ Surcharge for late payment of filing fee and/or late filing of original declaration or oath

☐ Petition and fee for filing by other than all the inventors or a person not the inventor

☐ Fee for processing an application filed with a non-English language specification

☐ Fee for processing and retention of application

Total completion of application fees	\$0.00
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This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month☐ Two months☒ Three months☐ Four months

☐ Five months

from: 16 July 2005
Date

until: 16 October 2005
Date

Total time extension fees \$510.00

Total fees due \$510.00

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Small Entity)**

Docket No.
116653-017

In Re Application Of: **Hakomori et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/669,264	25 September 2003	Unassigned	29180	1646	3225

Invention: **VACCINES DIRECTED TO CANCER-ASSOCIATED CARBOHYDRATE ANTIGENS**


TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

The fee of **\$510.00** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **02-1818**
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **02-1818**
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature
Jeffrey J. Howell
Reg. No. 46,402
Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (202) 955-6832

Dated: **17 October 2005**

CC:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

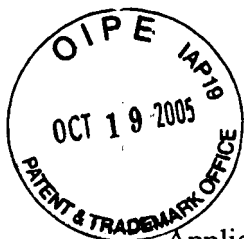
17 October 2005

(Date)


Signature of Person Mailing Correspondence

Heather Foster

Typed or Printed Name of Person Mailing Correspondence



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hakomori et al.
Appl. No.: 10/669,264
Conf. No.: 3225
Filed: 25 September 2003
Title: VACCINES DIRECTED TO CANCER-ASSOCIATED CARBOHYDRATE
ANTIGENS
Art Unit: 1646
Examiner: Unassigned
Docket No.: 116653-017

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE
MISSING PARTS OF NONPROVISIONAL APPLICATION**

Sir:

This Response is submitted in reply to the Notice mailed 16 May 2005.

The Notice states that the oath or declaration does not identify each inventor by full name, including the family name and at least one given name without abbreviation.

The instant application is a continuation of U.S. Ser. No. 10/040,336, which is a continuation of prior filed applications. The contents of all prior applications are incorporated by reference in entirety, as noted in the attached copy of the transmittal of the '336 application.

As noted in the attached copy of the Declaration and Power of Attorney, the document lists the full names of the two co-inventors. In the Declaration, there is no middle initial in either name and neither name contains an abbreviation. However, since both the inventors' first and last names were typed together just above the area designated "First Name," it is possible that this gave the appearance that only the First Names were given.

Therefore, a proper copy of a properly completed and executed Declaration was filed and the requirement is in error and should be vacated.

Should the Commissioner not share in the showing and conclusion, the Commissioner is authorized to charge Deposit Account No. 02-1818 for the surcharge.

A computer readable form of the Sequence Listing is enclosed, along with a Sequence Listing Certification.

According to the Notice, Figure 11B was alleged to have been omitted from the application.

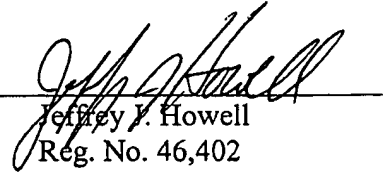
As noted in the attached copy of the transmittal and drawings filed, all 21 sheets of drawings were deposited in the U.S. Patent Office.

Moreover, the instant application is a continuation of U.S. Ser. No. 10/040,336, the entire contents of which are incorporated by reference in entirety. Therefore, the Notice is in error, no Supplemental Declaration is required and the request should be vacated.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY



Jeffrey J. Howell

Reg. No. 46,402

P.O. Box 1135

Chicago, Illinois 60690-1135

Phone: (202) 955-6832

Dated: 17 October 2005



Please type a plus sign (+) inside this box → ☐

PTO/SB/05 Revised (11-00)

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 2502486-991103 (continuation of Appln. No. 10/040,336)

First Inventor Sen-Itiroh HAKOMORI et al.

Title VACCINES DIRECTED TO CANCER-ASSOCIATED
CARBOHYDRATE ANTIGENS

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages (preferred arrangement set forth below)
- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table,
or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C.113) [Total Sheets

5. Oath or Declaration [Total Pages a. ☐ Newly executed (original or copy)
b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).

6. ☐ Application Data Sheet. See 37 CFR 1.76

6a. ☐ Priority is claimed under the provisions of 35 U.S.C. § 119
Appln No. _____ filed in _____ on _____
Appin No. _____ filed in _____ on _____

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☒ paper
c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 10/ 040,336

Prior application information:

Examiner Sarvamangala J. N. DEVI

Group / Art Unit: 1645

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

20. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

35928

35928

PATENT TRADEMARK OFFICE

or ☐ Correspondence address below

Name	GRAY CARY WARE & FREIDENRICH LLP				
Address	1625 Massachusetts Avenue, N.W. - Suite 300				
City	Washington	State	D.C.	Zip Code	20036
Country	U.S.A	Telephone	202-238-7700	Fax	202-238-7701

Name (Print/Type)	Dean H. Nakamura	Registration No. (Attorney/Agent)	33,981
Signature		Date	Sept. 25, 2003